

REMARKS

In the outstanding Office Action (the "Office Action"), mailed October 11, 2006, the Examiner rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by "Time Crisis II Review" by Ryan Davis (hereinafter, "Davis"); rejected claims 1-6 under 35 U.S.C. § 102(b) as being anticipated by Satsukawa et al. (U.S. Patent No. 6,379,249) (hereinafter, "Satsukawa"); and rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of "Time Crisis II" published by www.klov.com (hereinafter, "Klov").¹

By this amendment, Applicants have amended claims 2, and 4-6, canceled claims 1 and 3 without prejudice or disclaimer of their subject matter, and added new claims 7-9. No new matter has been added. Accordingly, claims 2 and 4-9 remain pending.

In light of the foregoing amendments and based on the arguments presented below, Applicants respectfully traverse the rejections of claims under 35 U.S.C. §§ 102(b) and 103(a), and request allowance of pending claims 2 and 4-9.

I. Claim Rejections Under 35 U.S.C. § 102(b) by Davis

The rejection of claims 1 and 3 as anticipated by Davis has been rendered moot by the cancellation of those claims.

Applicants have added new independent claim 7 to more appropriately define the invention. Support for claim 7 may be found in Applicants' specification at, for example, page 16, line 1 - page 17, line 18 and Fig. 3. Rejected claims 2 and 5 have been

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

amended to depend from new claim 7 and claim 4 has been amended to depend from claim 2.

New independent claim 7 is not anticipated by Davis because each and every claimed element is not found in Davis.

Davis appears to disclose a review of the Time Crisis II video game, for use on the PlayStation 2, including an overview of the storyline, gameplay, and animation. Davis states that, “[l]ike most light-gun games, Time Crisis II operates on rails, and you roll around each level with the simple objective of shooting the bad guys without getting shot yourself.” Davis, ¶ 3. Davis further discloses “there is a countdown clock ticking the entire time.” Davis, ¶ 3.

While Davis discloses “there is a countdown clock ticking the entire time,” Davis does not disclose “(g) **decreasing the remaining time** in proportion to an elapsed time in which the computer system **executes the displaying of circumstances**,” and “(l) **increasing the remaining time** in proportion to the elapsed time in which the computer system does **not execute the displaying of circumstances**,” as recited in claim 7 (emphasis added).

The Office Action asserts that Davis discloses “a computer program wherein the computer program causes the computer system to measure the elapsed time amount at which image display processing with the visual effects is not executed and to increase the remaining time according to the elapsed time amount (*ie: must reach a certain goal before time expires*).” Office Action, page 3 (emphasis in original). Applicants respectfully disagree. In Davis, it appears a player must reach a certain goal before time expires, however, Davis merely discloses that “there is a countdown clock ticking

the entire time.” The “countdown clock” of Davis does not perform “(g) **decreasing the remaining time** in proportion to an elapsed time in which the computer system **executes the displaying of circumstances**,” as recited in claim 7 (emphasis added). The “countdown clock” of Davis also does not perform “(l) **increasing the remaining time** in proportion to the elapsed time in which the computer system does **not execute the displaying of circumstances**,” as recited in claim 7 (emphasis added). In fact, Davis is silent as to any relationship between decreasing or increasing of a remaining time and execution or non-execution of a step.

Further, the Office Action asserts that “although the disclosure of Davis is of a high level analysis of the game Time Crisis II, it discloses **the elements necessary** for a first person shooting game. The idea of display bullets fired from the player characters and the enemy characters and displaying them visually on the screen for a player to recognize and interact with the game are inherent features in the shooting game arts. Additionally, Davis discloses the aspect of using a control feature to ‘execute image display processing with visual effects’ or to ‘display the image of the shooting target being shot at on the screen’ through the screenshots included in the description. These features are also **common and well known** in the gaming arts and especially inherent with regards to first person shooter games.” Office Action, page 8 (emphasis added). Applicants respectfully traverse the Examiner’s apparent taking of official notice with regard to those alleged “elements necessary for a first person shooting game” and “common and well known” features, and request that he cites a reference supporting his assertion.

Since Davis fails to disclose each and every element of claim 7, claim 7 is allowable, as are claims 2 and 4-6 at least virtue of their dependence from claim 7.

Independent claim 8 recites limitations corresponding to those of claim 7 discussed above. In addition, Davis does not disclose “(k) **increasing the remaining time** when bullets that are virtually fired in response to an input operation of the player collide with at least a portion of the enemy-character,” as recited in claim 8 (emphasis added). Therefore, independent claim 8 is also allowable over Davis for this reason as well as for reasons set forth above regarding claim 7. Further, new claim 9 is also allowable at least due to its dependence from claim 8.

Applicants therefore request withdrawal of the § 102(b) rejection based on Davis.

II. Claim Rejections Under 35 U.S.C. § 102(b) by Satsukawa

The rejection of claims 1 and 3 as anticipated by Satsukawa has been rendered moot by the cancellation of those claims. Rejected claim 6 has been amended to depend from new claim 7 and, by the amendments noted above, rejected claims 2, 4, and 5 also depend directly or indirectly from claim 7.

New independent claim 7 is not anticipated by Satsukawa because each and every claimed element is not found in Satsukawa.

Satsukawa appears to disclose a game for first and second players. Satsukawa states that, “[f]irst and second viewpoints for the 1P and 2P players are controlled and images as seen from those first and second viewpoints are output to first and second display screens, respectively.” Satsukawa, Abstract. Satsukawa further discloses “details such as the first and second viewpoints 40-1 and 40-2 are controlled in

accordance with a difference in game results (such as points gained, time taken to clear a level of the game...) between the 1P and 2P players.” Satsukawa, col. 9, lines 53-58.

While Satsukawa discloses “time taken to clear a level of the game,” Satsukawa does not disclose “(g) **decreasing the remaining time** in proportion to an elapsed time in which the computer system **executes the displaying of circumstances**,” and “(l) **increasing the remaining time** in proportion to the elapsed time in which the computer system does **not execute the displaying of circumstances**,” as recited in claim 7 (emphasis added).

The Office Action asserts that Satsukawa discloses “a computer program wherein the computer program causes the computer system to measure the [elapsed] time amount at which image display processing with the visual effects is not executed and to increase the remaining time according to the elapsed time amount (*ie: **must reach a certain goal before time expires***).” Office Action, page 6 (emphasis in original). Applicants respectfully disagree. Although the Examiner asserts that Satsukawa discloses that a player must reach a certain goal before time expires, Satsukawa merely discloses a “time taken to clear a level of the game.” Satsukawa does not disclose “(g) **decreasing the remaining time** in proportion to an elapsed time in which the computer system **executes the displaying of circumstances**” and “(l) **increasing the remaining time** in proportion to the elapsed time in which the computer system does **not execute the displaying of circumstances**,” as recited in claim 1 (emphasis added). In fact, Satsukawa is silent as to any relationship between decreasing or increasing of a remaining time and execution or non-execution of a step.

Since Satsukawa fails to disclose each and every element of claim 7, claim 7 is allowable, as are claims 2 and 4-6 at least by virtue of their dependence from claim 7.

Independent claim 8 recites limitations corresponding to those of claim 7 discussed above. In addition, Satsukawa does not disclose “(k) **increasing the remaining time** when bullets that are virtually fired in response to an input operation of the player collide with at least a portion of the enemy-character,” as recited in claim 8 (emphasis added). Therefore, independent claim 8 is also allowable over Satsukawa for this reason as well as for reasons set forth above regarding claim 7. Further, new claim 9 is also allowable at least due to its dependence from claim 8.

Applicants therefore request withdrawal of the § 102(b) rejection based on Satsukawa.

III. Claim Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claim 6 under 35 U.S.C. § 103(a) as unpatentable over Davis and Klov because the Examiner has not established a *prima facie* case of obviousness as required under 35 U.S.C. § 103(a).

“To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the references, taken alone or in combination, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” M.P.E.P. § 2143 (8th ed. 2001).

In response to Applicants’ arguments that Klov is not available as prior art, the Examiner asserts that Klov is only cited to show that the disclosed game was in “public

use” or “on sale” before Applicants’ filing date. Office Action, pages 8-9. However, Applicants note that the Examiner’s apparent reliance on Klov does not clearly fall within any of the circumstances listed in MPEP section 2124 that may permit use of a reference that is not prior art. Nevertheless, Applicants address issues raised by the Examiner’s assertion of Klov.

The Examiner appears to rely on Klov to establish that Time Crisis II included a pedal. Klov discloses that “[t]hey must blast all the bad guys in each area before time runs out. Fortunately there is special pedal, which you step on to pop out of hiding so you can fire back, then release to go into hiding (and to reload your gun.)” Klov, Game Play.

However, the apparent presence of a pedal in Time Crisis II does not cure the deficiencies of Davis set forth above, including the failure of Davis to teach or suggest a computer program causing a computer system to execute “(g) decreasing the remaining time in proportion to an elapsed time in which the computer system executes the displaying of circumstances,” and “(l) increasing the remaining time in proportion to the elapsed time in which the computer system does not execute the displaying of circumstances,” as recited in Applicants’ claim 7, from which claim 6 depends.

Therefore, for at least the reasons stated above, neither Davis nor Klov, nor the combination of the two, teach or suggest all the elements of Applicants’ claim 7 from which claim 6 depends. Applicants respectfully request the withdrawal of the § 103(a) rejection and the allowance of claim 6.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 

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